



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/728,606	12/05/2003	Wayne A. Detjen	90973.000004	9764

23387 7590 07/11/2007
Stephen B. Salai, Esq.
Harter, Secrest & Emery LLP
1600 Bausch & Lomb Place
Rochester, NY 14604-2711

EXAMINER

TALBOT, MICHAEL

ART UNIT	PAPER NUMBER
----------	--------------

3722

MAIL DATE	DELIVERY MODE
-----------	---------------

07/11/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/728,606

Applicant(s)

DETJEN ET AL.

Examiner

Michael W. Talbot

Art Unit

3722

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) 26-33 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 4/30/04.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

Election/Restrictions

1. Applicant's election without traverse of claims 1-25 in the reply filed on 18 July 2007 is acknowledged.

Specification

2. The abstract of the disclosure is objected to because of undue length and minor informalities. Correction is required. See MPEP § 608.01(b).
3. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

4. Refer to line 3, the " [" should be deleted from the phrase "At least p[art of the" so as to read --At least part of the--.

Refer to line 12, the word "ahs" should be changed so as to read --has--.

5. The disclosure is objected to because of the following informalities:

Refer to page 3, paragraph [0010], line 14, the word "sot" should be changed so as to read --so--.

Refer to page 6, paragraph [0017], line 2, the word "figures" should be removed from the phrase "the four drawings figures, FIGS. 1-4." so as to read --the four drawings, FIGS. 1-4.--.

Refer to page 6, paragraph [0017], line 9, the character reference "decorative section 20" should be changed so as to read --second decorative section 20--.

Refer to page 6, paragraph [0018], lines 19-20, the character reference "second decorative section portion" should be changed so as to read --second decorative section portion 20--.

Refer to page 8, paragraph [0020], line 4, the character reference "decorative section 122" should be changed so as to read --first decorative section 22--.

Appropriate correction is required.

Claim Objections

6. Claim 18 is objected to because of the following informalities:

Refer to claim 18, line 1, the word "coating" should be inserted within the phrase "in which a release is" so as to read --in which a release coating is --.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 1-3,7-11,18-23 are rejected under 35 U.S.C. 102(b) as being anticipated by Weernink '093. Weernink '093 shows in Figures 1-5 a decorative wrapping label (10) arranged for wrapping the periphery of a product (12) having a first appearance for identifying the product to a consumer (both labels in tact) and a second appearance for matching the product to its

Art Unit: 3722

intended environment of use (label #2 removed) comprising an elongate substrate (14,16,18) having an adhesive back surface (24) and a printed front surface (bottom side of Figs. 4 and 5) divided between a permanently adhered section (14,16) and a releasable section (18), a release coating (22,22') on the printed front surface of the permanently adhered section (Figs. 4 and 5), the printed front surface of the permanently adhered section having a decorative pattern (foreign language containing symbols devoid of "text") along a length of the elongated substrate, the printed section of the releasable section being printed with product identifying information (col. 3, lines 8-25) along the length of the elongated substrate in apposition overlapping a portion of the permanent adhered section (col. 2, line 65 through col. 3, line 7), and a line of weakness (20) between the permanently adhered section and the releasable section so that the releasable section is detachable revealing more of the decorative pattern around the periphery of the product (col. 3, lines 8-25). Weernink '093 shows the permanent adhered section (14,16) divided into a first permanently adhered section (14) printed with additional product information and a second permanent adhered section (16) with the decorative pattern. Weernink '093 shows the releasable section (18) divided into a first releasable section (left half of 18) and a second releasable section (right half of 18). Weernink '093 shows the permanent adhered section, containing the decorative pattern, extends in length around the entire periphery of the product (col. 2, lines 61-64).

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Art Unit: 3722

10. Claims 4-6 and 12-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Weernink '093 in view of Sellars '345. Weernink '093 lacks a line of weakness separating the first and second sections, wherein the first releasable section is sized to overlap the first permanently adhered section so that the first releasable section is retractable for revealing the product information printed on the first permanently adhered section so that the first releasable section is reaffixable to the first permanent adhered section for recovering the product information.

Sellars '345 shows in Figures 2-4 a decorative wrapping label (110,210,310) comprising an elongate substrate divided between a permanently adhered section (112,212,312) and a releasable section (114,214,314), wherein the releasable section is further divided into a first releasable section (314a) and a second releasable section (314b) separated by a line of weakening (324,326), wherein the first releasable section is sized to overlap the first permanently adhered section so that the first releasable section is retractable for revealing the product information printed on the first permanently adhered section so that the first releasable section is reaffixable to the first permanent adhered section for recovering the product information (col. 5, line 37 through col. 6, line 18). In view of this teaching of Sellars '345, it would have been obvious to modify the decorative wrapping label of Weernink '093 to include a two-sectioned releasable segments with resealable and detachable characteristics as taught by Sellars '345 for providing multiple distinct areas for revealing specific product information of varying end-user purposes.

Conclusion

11. Any inquiry concerning the content of this communication from the examiner should be directed to Michael W. Talbot, whose telephone number is 571-272-4481. The examiner's

Art Unit: 3722

office hours are typically 8:30am until 5:00pm, Monday through Friday. The examiner's supervisor, Mrs. Monica S. Carter, may be reached at 571-272-4475.

In order to reduce pendency and avoid potential delays, group 3720 is encouraging FAXing of responses to Office Actions directly into the Group at FAX number 571-273-8300. This practice may be used for filling papers not requiring a fee. It may also be used for filing papers, which require a fee, by applicants who authorize charges to a USPTO deposit account. Please identify Examiner Michael W. Talbot of Art Unit 3722 at the top of your cover sheet.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



MWT
Examiner
3 July 2007



MONICA CARTER
SUPERVISORY PATENT EXAMINER